

MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

June 22, 2011
Noon

COUNCILORS PRESENT: Betty Taylor, George Brown, George Poling, Mike Clark, Chris Pryor, Alan Zelenka, Pat Farr.

COUNCILORS ABSENT: Andrea Ortiz.

Her Honor Mayor Kitty Piercy called the June 22, 2011, work session of the Eugene City Council to order.

A. WORK SESSION: Next Steps for City Hall

Central Services Director Kristi Hammitt and Mike Penwell of Facilities Management Division were present for the item. Ms. Hammitt reminded the council of the work session it held on the topic of City Hall on March 16, 2011, and the direction the council gave the manager to move forward with transition planning to move services currently located at City Hall out of the building by June 30, 2012, and to develop planning process for a phased approach to a new City Hall.

Mr. Penwell provided an update on recent staff activities related to the council's March 16 direction. He reminded the council that with the relocation of the Eugene Police Department (EPD) to 300 Country Club Road early in 2012, the City will have completed its goal of removing all public safety functions from the building. That accomplishment brought the City Council closer to the point of finalizing its decisions about City Hall, including how to accomplish the first phase of construction for a new city hall with only \$10 million. Mr. Penwell suggested the only viable options available for that amount were to demolish City Hall and construct a new city hall in phases, or do a major renovation of City Hall.

Mr. Penwell recalled council support for new construction for a fully consolidated city hall, including the EPD. Because of a lack of funding for such an approach, Mr. Penwell recommended the council instead consider what the first phase of new construction would look like on the existing full block-site and how the remainder of the site could be used pending future phases.

Mr. Penwell observed that a renovated City Hall could look far different from the existing structure and staff proposed to explore how far \$10 million would go toward addressing its functional deficiencies and aging systems.

Mr. Penwell called the council's attention to Attachment A in the meeting packet, *Proposed Plan for City Hall Decisions*, which provided a timeline for major tasks associated with the next steps in city hall planning. He proposed the formation of an advisory committee to work with staff and anticipated that the committee's recommendations would be ready in time for the Eugene Celebration, where they would be shared with the public. Mr. Penwell also called attention to Attachment B, *Potential City Hall Funding Sources*.

Mayor Piercy reminded the public that the City had moved public safety services out of City Hall because of the higher seismic standards that existed for those uses. The City had relocated its first responders to sites that would survive in an emergency and allow them to continue to serve the community.

Mayor Piercy suggested renovating City Hall would be costly because the building was not energy efficient and its design was inadequate for the current use. In addition, it would cost quite a bit to preserve the structure's architectural features.

Ms. Taylor said she had been concerned for many years that the City was not maintaining City Hall. She believed it would be a beautiful building if it was renovated, an action she supported. She asked why staff proposed to arrange for space for existing City Hall occupants to move to before the council decided what to do about City Hall. She suggested the council should have a plan in place and a timeline for action before anything was done in that regard. Mr. Penwell reminded Ms. Taylor that the driver for such decisions had been and continued to be the Eugene Water & Electric Board's (EWEB) decision to cease steam heat downtown. The City was at the point where it had to move out because it would not be able to renovate the building in time to meet EWEB's deadlines. He anticipated the City would have a plan in place by the time staff moved out in spring 2012.

Ms. Taylor was glad to see staff was considering both renovation and new construction. While she generally supported citizen advisory committees she expressed a desire for a more diverse committee that included equal representation from those who favored new construction and those who favored renovation. She anticipated such an effort would give the council a more balanced picture of the issues. She wanted to know who staff was considering for membership before it formed the committee.

In response to Ms. Taylor's comments, Ms. Hammitt anticipated the committee would include people who were knowledgeable about such projects and site development rather than advocates for a particular point of view. Ms. Taylor believed the committee should reflect the differences of opinion about what to do with the building. She also believed the committee should include people familiar with Eugene city government and the history of the building.

Mayor Piercy asked if the advisory committee was expected to advise staff on the issue of renovation versus new construction. Mr. Penwell said staff was not necessarily looking for consensus on the topic from the committee but was seeking a wide range of opinions. He anticipated the committee would provide staff with a range of perspectives to help uncover the issues related to both approaches. Mayor Piercy suggested that staff focus the committee on the programmatic elements of the issue as opposed to renovation or new construction, and that it be clear about the committee's mission to avoid the perception that a decision had already been made.

Mr. Zelenka anticipated the cost of renovating City Hall would be substantial. The building was not energy-efficient, it needed a new HVAC system, and it was seismically vulnerable. He supported construction of a new city hall.

Mr. Zelenka suggested the potential that the City could work with a private developer to construct a new city hall using a lease with an option to buy approach. Ms. Hammitt said she had explored that alternative. She suggested that cities adopted such strategies when they lacked funding, but the City did have some money. She interpreted Mr. Zelenka's remarks as implying it would be more optimal to complete City Hall at one time rather than in phases, and said staff could explore that approach before returning to the council in the fall with more information. Mr. Zelenka pointed out \$10 million could not purchase much in terms of new building but it might be able to leverage construction. He wanted to see

more analysis of his suggestion. City Manager Jon Ruiz said staff would return with more financial information after it had a better sense of the programming to be located in a new city hall.

Mr. Poling suggested it would have been interesting to see what the design studio would have come up with had it not been limited to renovation of the existing building. He approved of the proposed advisory committee and thought its purpose was clear. He suggested it should include someone familiar with the American with Disabilities Act (ADA), an employee, a local historian who could help incorporate elements of the current City Hall into a new building design, and someone with a proven background in building design and energy efficiency. He preferred a committee that included members without a strong opinion on renovation or new construction.

Mr. Pryor emphasized the need for the City to vacate City Hall. In regard to the advisory committee, his most important criteria for committee membership would be thoughtfulness and an open mind. He did not want a committee with members who came to the table with their minds made up. He acknowledged that the City had been discussing the issue for some time but things had changed and he was encouraged by the City's more realistic approach to the replacement of City Hall.

Mr. Clark was interested in Mr. Zelenka's idea about leveraging the money the City had in hand. However, he would want the council to be clear about the problem it was attempting to fix and whether it was a political problem or a financing problem. He feared that if the council attempted something too grand it would end up with a political problem.

Speaking to Mr. Poling's suggestions for committee membership, Mr. Clark pointed out members of the City's Accessibility Committee were familiar with the ADA.

Mayor Piercy encouraged staff to ask the Historic Review Board for its input.

Ms. Taylor agreed with the mayor. She asked that the advisory committee's minority opinions be shared with the council as well as the majority opinions. She thought that it was a good idea to involve employees.

Ms. Taylor said that resident Otto Poticha also had ideas about how the City could remodel the existing City Hall while still remaining in the building. She recalled that many of the architects who participated at all-day charette on a new city hall held in 2002 at The Atrium believed the City could remodel City Hall, but when the council received the staff recommendation that fact was not mentioned. Mr. Penwell recalled that all the ideas that were mentioned at the charette were included in the final report.

Ms. Taylor thought the proposed funding sources sounded good. She recommended that the City dedicate the General Capital Transfer to City Hall for several years rather than one year because the structure had been neglected for some time. She suggested the City consider grants as a funding source to preserve the building because there were several grant sources dedicated to such purposes. She also recommended staff consider using the EWEB Contribution-in-Lieu-of-Taxes (CILT) as a funding source.

Mr. Zelenka likened the proposed advisory committee to a department advisory committee with a specific focus and short time frame that required knowledgeable members. He did not object to the proposed committee and its composition.

Mr. Zelenka cautioned councilors against believing that remodeling was cheaper than new construction. That was not always the case. He believed that remodeling City Hall would mean rebuilding City Hall. He did not think remodeling was the most cost-effective approach and did not think the building was

sufficiently historically significant to preserve. Mr. Zelenka also advocated for the City to lead in regard to green construction, and called for a new city hall that was a net zero building for energy, water, and waste.

Mayor Piercy wanted the council to consider the historic value of the building and have a robust conversation about what that meant in terms of what the City was trying to achieve in regard to energy savings and sustainability. She did not know what was possible in that regard, but was unwilling to discard the possibility the City could achieve both Ms. Taylor and Mr. Zelenka's goals.

B. EXECUTIVE SESSION:
Pursuant to Oregon Revised Statute 192.660(2)(i)

In accordance with Oregon Revised Statute 192.660(2)(i), the council met in executive session.

C. WORK SESSION:
Police Auditor Annual Performance Review

Performance Development Manager Denise Smith was present for the item.

Police Auditor Mark Gissiner thanked the council for the opportunity to serve the community of Eugene. He also thanked his staff and recognized its hard work. He invited councilors to call him at any time with questions.

Mr. Gissiner believed that Eugene was looked to as a model for police auditing systems across the country and even the world. He commended the designers of the system. He also commended the work of the Civilian Review Board (CRB).

Mr. Gissiner noted Mr. Zelenka's past support for a mediation model, and suggested that over time the City's police sergeants had turned into mediators. That led to increased community satisfaction with communications and auditor outcomes. He appreciated the fact that the sergeants, who were the first-line supervisors in the department, had assumed that role and worked to mediate issues with citizens.

Mr. Gissiner noted his work with the University of Oregon on a police oversight model, which had strengthened his relations with that institution.

Mayor Piercy expressed her appreciation for Mr. Gissiner's service on behalf of Eugene. She appreciated his regular meetings with her and his updates. She also appreciated his commitment to excellence and his work to increase the community's expectations of how the public safety system should work. She also commended his hiring of Deputy Police Auditor Leia Pitcher.

Mayor Piercy recommended that the Police Auditor find more avenues for citizen input.

Mayor Piercy hoped Mr. Gissiner kept the council informed of ways it could assist him. She concluded by hoping Mr. Gissiner continued to work to build community confidence in the office.

Referring to the performance evaluation form employed in the evaluation, Ms. Taylor questioned when "successful" became the lowest rating. Ms. Smith recalled the council adopted the rating system.

Ms. Taylor said it was difficult to evaluate the auditor in the absence of input from the complainants. She wanted to know if the complainants thought the system was working and hoped to see that information for Mr. Gissiner's next evaluation. Ms. Taylor suggested the Police Auditor's Office had suffered from the loss of the different points of view expressed by the former Deputy Auditor. She suggested it was good to have another point of view, even if one did not agree, and felt disadvantaged by the loss of that input as well as the loss of the input from former CRB member Rick Brissenden.

In response to Ms. Taylor's concerns, Mr. Gissiner indicated that the survey responses had been summarized in the evaluation and in the future he would include all the surveys that were returned by complainants.

Mr. Pryor commended Mr. Gissiner's ethics and integrity. He thought those attributes made it possible for Mr. Gissiner to build on the foundation that had been in place. He believed the office had finally reached a level of stability that he attributed to the efforts of Mr. Gissiner.

Mr. Pryor asked Mr. Gissiner if he hired his deputies for their points of view. Mr. Gissiner said he was persuaded to hire Ms. Pitcher because of her work at the Washington Court of Appeals. He did not hire people for their points of view and noted that he and Ms. Pitcher did not always agree.

Mr. Farr suggested the increase in complaints experienced by the Police Auditor's Office was a positive thing in that it demonstrated more public trust in the system, which led more people to make complaints. He commended Mr. Gissiner's work.

Mr. Zelenka believed that Mr. Gissiner had done an excellent job, was professional, and his ethics were beyond reproach. The Police Auditor's Office had gone from being controversy to "business as usual." He found Mr. Gissiner to be independent and objective. He appreciated Mr. Gissiner's emphasis on training and customer service. He also commended the hiring of Ms. Pitcher as he believed her legal expertise was needed by the auditor's office. Mr. Zelenka said Mr. Gissiner kept the council informed of events in a timely fashion. His recommendations were reasonable, thought-out, and fair. The CRB appeared to be well-supported and well-informed.

At Mr. Zelenka's request, Ms. Smith reviewed the survey process used to solicit feedback from citizens as well as complainants and indicated staff would work on ways to increase the response rate. Mr. Zelenka suggested the survey results be placed in a separate section of the evaluation.

Mr. Zelenka said he would like to see the auditor do more community outreach to discuss the work of the office.

Mr. Clark said the purpose of the auditors' office was to improve community-police relations and he thought that Mr. Gissiner had accomplished that. He said Mr. Gissiner's high standards inspired high standards in others. Because of the work of the auditor, police sergeants had come to understand they had more of a role in educating officers about appropriate behavior. Mr. Clark also commended Mr. Gissiner for enhancing communications between the Police Auditor's Office, CRB, and Police Commission. He said that Mr. Gissiner frequently brought policy issues to the commission for resolution.

Mr. Poling believed that Eugene was fortunate to have Mr. Gissiner as its Police Auditor. His previous experience in such positions showed. He had turned a frequently controversial program into a program that was very seldom in the news. Mr. Gissiner had built a strong platform of trust for the community, the CRB, Police Commission, EPD, and the police union. Mr. Poling expressed appreciation for Mr. Gissiner's hard work.

Mr. Pryor agreed with Ms. Taylor about the use of “successful” in the rating system. He suggested “unsatisfactory” or “unsuccessful” be added to the form.

Speaking to the mayor’s invitation to ask the council for help, Mr. Gissiner briefly noted the challenge created by existing Oregon laws that limited the release of information and acknowledged the challenge of changing those laws. Mayor Piercy recommended that Mr. Gissiner work with the Council Committee on Intergovernmental Relations on changes the City could proposed to the State legislature.

Mayor Piercy adjourned the meeting at 1:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Beth Forrest".

Beth Forrest
City Recorder

(Recorded by Kimberly Young)